

REMARKS

This responds to the Final Office Action mailed on January 5, 2009.

Claims 1 and 8 are amended; claims 15-21 were previously cancelled, without prejudice to the Applicant; as a result, claims 1-14 are now pending in this application.

Example support for the claimed amendments may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 20, 36, and 45.

Moreover, the amendments are made to place the application in condition for allowance or in better condition for appeal and as such Applicant believes that the amendments should be entered since it is clear that the amendments do not necessitate any new searching on the part of the Examiner.

§ 103 Rejection of the Claims

Claims 1-2, 4-10 and 12-14 were rejected under 35 U.S.C. § 103(a) as being obvious over Reed et al. (U.S. Publication Number 2004/0103017; hereinafter "Reed") in view of Papierniak et al. (U.S. 6,151,584; hereinafter "Papierniak"), and further in view of Melchione et al. (U.S. 5,966,695; hereinafter "Melchione"). Obviousness requires that each and every element in the rejected claims be taught or suggested in the proposed combination of references.

The Examiner asserts that in the opinion of the Examiner, the claims as drafted do not recite that the custom queries are created from unexecuted queries and as drafted do not preclude running a query and then creating another query from the results. Applicant has amended the claims to make this point clear.

Specifically, the combination of all the references fails to teach creating a custom query from a query that is not executed or creating a custom query before a query is even executed. The closest example in the references is that of the Reed reference. The Examiner asserts that Reed paragraphs 29-35 teach the prior claim limitations. However, Applicant would like to direct the learned Examiner to paragraph 35 of Reed where it is stated that before any custom query or enhanced query is generated, an original query is executed and the results are used to

generate the enhanced query. Thus, as Applicant pointed out in the prior response Reed is a two-step process and requires execution of the query before any enhanced query is produced.

As such, the rejections of record should be withdrawn and the claims allowed. Applicant respectfully requests an indication of the same.

Claims 3 and 11 were rejected under 35 U.S.C. § 103(a) as being obvious over Reed in view of Papierniak, further in view of Melchione as applied to claims 1-2, 4-10 and 12-14 above, and further in view of Copperman et al. (U.S. Publication Number 2003/0220917; hereinafter "Copperman"). These claims are dependent from independent claims; thus, these claims are allowable in view of the remarks presented above with respect to independent claims 1 and 8. Applicant respectfully requests an indication of the same.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

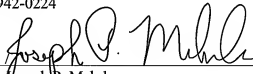
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 50-4370.

Respectfully submitted,

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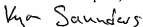
Date 04-06-09

By


Joseph P. Mehrle
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 6, 2009.

Name



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